

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		28/04/2003	
		N/A / attached		<b>Consultation Expiry Date:</b>		09/04/03	
<b>Officer</b>				<b>Application Number(s)</b>			
Michael Fox				PWX0302166			
<b>Application Address</b>				<b>Drawing Numbers</b>			
309 West End Lane LONDON NW6 1RD				PL 9055C			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
CT		S. Waddell				[Signature]	
<b>Proposal(s)</b>							
The siting of tables and chairs to the forecourt of a retail unit.							
<b>Recommendation(s):</b>							
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	0026	No. of responses	00	No. of objections	00
<b>Summary of consultation responses:</b>		No objection – Freeholders welcome the proposal on the grounds that it would result in a tidied forecourt, which would improve the appearance of the building and streetscape.					
<b>CAAC comments:</b>		None		<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>LONDON BOROUGH OF CAMDEN</b>  TOWN AND COUNTRY PLANNING ACTS    21 OCT 2003    RECOMMENDATION AGREED  ON BEHALF OF THE COUNCIL </div>			

### Site Description

The application site is the ground floor retail unit of a 3-storey property that fronts onto West End Lane. The property is within West End Green Conservation Area and is part of the primary retail frontage.

### Relevant History

22/10/02 – Granted advertisement consent for fascia.  
22/10/02 – Granted planning permission for new shopfront

### Relevant policies

EN1- General environmental protection and improvement  
EN19 – Amenity for occupiers and neighbours  
EN31 – Character and appearance of conservation areas  
EN41 – Consolidation and improvement and facilities  
SH6 – District Centres  
SH8 – Secondary shopping frontages in Major and District Centres  
SH13 Car Parking  
SH14 Servicing  
SH18 – Food and drink (Class A3)  
DS8 - Servicing  
SPG – Chapter 4: Noise Pollution

## Assessment

The application **explicitly** proposes the following:

- The siting of 6 tables and 20 chairs on the forecourt of the existing ground floor unit, which currently has planning permission for A1 retail use.

However, an enforcement investigation has been ongoing into the change of use of the property from A1 to A3, as a result of the existing number of tables and chairs within the unit (5 and 18 respectively). The applicant was advised that no more than 3 tables and 10 chairs would be consistent with the use of the property as an A1 unit. Furthermore, a recent inspectorate appeal decision of 03/01/2000 in respect of 248 West End Lane concluded that not more than 2 tables each not more than 65cm<sup>2</sup> and not more than 8 chairs (in total, both inside and outside the building) to be ancillary to the use of the unit as a retail unit.

- Therefore, to place a further 6 tables and 20 chairs on the forecourt of the unit would **implicitly** ~~imply~~ ~~propose~~ the change of use of the property from A1 to A3. Therefore, the proposal needs to be assessed against these issues.

Material planning considerations:

### Change of Use

Changes of use will be permitted from A1 to a non-retail use within Secondary Shopping Frontages provided the proposal would not be detrimental to the character, function, vitality and viability of the centre.

From the 2001 retail survey the overall percentage of A1 uses in the West Hampstead District Centre in a secondary shopping frontage was 40%. This is a low percentage and it would not be desirable to reduce it further.

In the immediate grouping of shops the uses are as follows:

339	Chicken Express (Take Away)	A3
337	Alexanders (Estate Agent)	A2
335	Good Earth Express (Restaurant)	A3
333	Café Monet (Deli / Café)	A1/A3
331	Gourmet Burger Kitchen (Restaurant)	A3
329	Sparkle Dry Cleaners	A1
327	La Smorfia (Restaurant)	A3
323 – 325	West Hampstead Fire Station	SG
319	Pizza Express (Restaurant)	A3
315	Fortune Gate (Take Away)	A3
311	Hampstead Boulevard (Restaurant)	A3
Application site (309)		A1
299 – 301	Hampstead kebab	A3
291	Demolished	
287-289	Residential	C3
283-285	Cranes Bar	A3
279	Cranes	A3

It can be seen that the immediate parade is dominated by non-A1 uses, and this proposal will further result in a deterioration of its retail character. The area also has a significant cluster of A3 or like uses, which this proposal will add to.

As such the proposal will harm the overall shopping character of the centre and it should be resisted.

### Amenity

The change of use of the property from A1 to A3 and the increase in the number of tables and chairs outside the front of the unit also raises issues in terms of amenity for adjoining occupiers. The upper floors of the property are in residential use. To allow the number of tables and chairs proposed to the

front of the retail unit would result in increased disturbance to these flats, to the detriment of residential amenity.

#### *Transport*

The change of use would result in an A3 floor area of well below 500m<sup>2</sup> and therefore no on-site provision of servicing is necessary. Given that the proposed use is unlikely to result in a significant increase in servicing requirements over the present A1 use, it is not considered that any transport issues would be raised by the proposal.

#### *Design*

The siting of 6 tables and 20 chairs in front of the existing unit is considered excessive and would increase the degree of visual clutter in front of the existing shop and the wider streetscene. It would therefore be detrimental to the character and appearance of the conservation area.

The proposal is accordingly recommended for refusal.